



## United States Department of the Interior



### BUREAU OF LAND MANAGEMENT

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In Reply Refer To:  
4720 (NVL02000)

Dear Reader:

Enclosed for your review and comment is the preliminary environmental assessment (EA) for the Eagle Herd Management Area (HMA) Wild Horse Gather (DOI-BLM-NV-L020-2009-0051-EA).

The Bureau of Land Management, Schell Field Office is proposing to reduce the herd size to approximately 100 animals, to maintain a thriving natural ecological balance among wild horse populations, wildlife and livestock.

The appropriate management level (AML) for the Eagle HMA is 100 to 210 wild horses. There are an estimated 595 wild horses in the HMA. The BLM is proposing to gather and remove approximately 495 excess wild horses from the Eagle HMA, which is located in eastern Lincoln County, about 50 miles southeast of Ely. The BLM also plans to gather 50 wild horses that reside outside the HMA. The gather is scheduled to begin in February.

The gather is needed to protect the range from further deterioration associated with overpopulation of wild horses. By removing excess animals, the BLM will be able to improve vegetation, habitat, watershed health, and to make significant progress toward achieving Mojave-Southern Great Basin Resource Advisory Council standards for rangeland health. The BLM will collect information on herd characteristics and determine herd health during the gather.

Comments will be accepted for 30 days until January, 27, 2010. Interested individuals should may mail written comments to the BLM Ely District Office, HC 33 Box 33500, Ely, NV 89301 attn: Mary D'Aversa, Schell Field Manager or send an e-mail to: [eaglegather@blm.gov](mailto:eaglegather@blm.gov)

All comments received during the public comment period will be fully considered and evaluated for preparation of the Final EA. If you have any questions on this matter, please contact Ben Noyes, BLM Ely District Wild Horse and Burro Specialist, at (775) 289-1800.

Sincerely,

Mary D'Aversa  
Field Manager  
Schell Field Office

Enclosure

# U.S. Department of the Interior Bureau of Land Management

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Preliminary Environmental Assessment  
DOI-BLM-NV-L020-2009-0051-EA  
December 17 2009

## EAGLE HERD MANAGEMENT AREA WILD HORSE GATHER

*Location: Lincoln County*

U.S. Department of the Interior  
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## **1.0 INTRODUCTION**

This Environmental Assessment (EA) has been prepared to analyze the Bureau of Land Management (BLM) Schell Field Office proposal to gather and remove approximately 545 excess wild horses from within and outside the Eagle Herd Management Area (HMA) beginning in about February 2010.

This EA is a site-specific analysis of the potential impacts that could result with the implementation of the Proposed Action or alternatives to the Proposed Action. The EA assists the BLM Schell Field Office in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any “significant” impacts could result from the analyzed actions. “No Significance” is determined by the responses to the context and intensity in the Finding of No Significant Impact (FONSI) prepared at the conclusion of the analyses. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of “Finding of No Significant Impact” (FONSI).

This document is tiered to the *Ely Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/EIS, 2007) released in November 2007. Should a determination be made that implementation of the Proposed Action or alternative actions would not result in “significant environmental impacts” or “significant environmental impacts beyond those already addressed in the RMP/EIS”, a FONSI will be prepared to document that determination, and a Decision Record issued providing the rationale for approving the chosen alternative.

### ***1.1 Background***

The Wilson Creek HMA (approximately 687,932 acres of public and private land) and Deer Lodge Canyon HMA (approximately 109,717 of public and private land) were combined in the 2008 Ely District Record of Decision and Approved Resource Management Plan into the Eagle HMA (approximately 670,000 acres of public land). A wild horse gather would be conducted in coordination and in conjunction with the Cedar City Utah Field Office, due to historic movement between the Eagle, Chokecherry and Mt. Elinor HMA’s. This decision was made due to the historic and continuing interchange of wild horses between the three herd management areas. The gather would occur in February 2010, and last approximately 15 days. The action should prevent deterioration of the range, as well as restore a thriving natural ecological balance and multiple use relationship on public lands in the area. The BLM Cedar City Field Office has previously analyzed the Utah portion of the gather. The information regarding the Utah portion of the gather is included primarily for cumulative impacts purposes.

The Eagle HMA is located approximately 50 miles south east of Ely, Nevada, and 20 miles northeast of Caliente, Nevada, within Lincoln County (Figure 1). Table 1 shows the acres and Appropriate Management Level (AML) within the HMA.

**Table 1 Herd Management Area, Acres, AML, Estimated Population**

<b>Herd</b>	<b>Total Acres Public land</b>	<b>Appropriate Management Level</b>	<b>Estimated Population</b>	<b>Removal</b>
Eagle HMA	670,000	100-210	595	495

Eagle Herd Management Area Wild Horse Gather  
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Mt. Elinor HMA	38,174	15-25	71	56
Chokecherry HMA	47,527	30	66	36
Outside HMA	0	0	50	50

The Appropriate Management Level (AML) is defined as the number of wild horses that can be sustained within a designated HMA which achieves and maintains a thriving natural ecological balance<sup>1</sup> in keeping with the multiple-use management concept for the area. The range of AML for the Eagle HMA is 100-210 wild horses. This population range is based on in-depth analysis of habitat suitability and monitoring data to maintain healthy wild horses and rangelands over the long-term and established through the Record of Decision (ROD) and Approved Ely District Resource Management Plan.

This area was last gathered in the winter of 2007. Due to weather conditions at the time, the BLM did not gather enough excess wild horses to achieve AML.

An aerial direct count population inventory of the Eagle HMA in March of 2008 observed 421 adult wild horses. The current estimated population within the HMA is 645 wild horses (which includes the addition of the 2008 and 2009 foal crops). This number was confirmed through additional population inventory conducted December 2009, in conjunction with Cedar City Field Office. The December 2009 direct count observed 595 wild horses within the Eagle HMA. On the ground monitoring shows that an additional 50 wild horses reside outside the Eagle and Silver King HMAs along Hwy 93.

Wild horse numbers have increased an average of 20-25% annually since the HMA was last gathered and are currently about 6 times over the low limit of the AML range. This use also occurs year-round. By comparison, livestock use has remained at or below permitted use levels. Livestock use has also been in compliance with the grazing systems outlined in Final Multiple Use Decisions, Agreements, and Term Permit conditions which provide for periodic rest and deferment of key range sites.

Monitoring data collected using Range Utilization Key Forage Plant Method (KFPM) over the last three years has indicated moderate (41-60%) and heavy (61-80%) utilization by wild horses. Monitoring in March 2009 (prior to livestock use) measured 21% of the HMA at moderate (41-60%) to 35% at heavy (61-80%) wild horse use throughout the HMA, with 35% being at severe (81-100%) use of some key areas also occurring, including along the Fortification Range, South Spring Valley, Lake Valley, White Rock Mountains, Eagle Fire, Reed Cabin, Chokecherry and Deer Lodge. (See appendix I Eagle HMA Utilization)

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<sup>1</sup> The Interior Board of Land Appeals (IBLA) defined the goal for managing wild horse (or burro) populations in a thriving natural ecological balance as follows: "As the court stated in Dahl v. Clark, *supra* at 594, the 'benchmark test' for determining the suitable number of wild horses on the public range is 'thriving ecological balance.' In the words of the conference committee which adopted this standard: 'The goal of WH&B management \*\*\*should be to maintain a thriving ecological balance between WH&B populations, wildlife, livestock and vegetation, and to protect the range from the deterioration associated with overpopulation of wild horses and burros.' " (Animal Protection Institute of America v. Nevada BLM, 109 IBLA 115, 1989).



Photograph showing a Winterfat site in the Fortification Range  
3-29-2009 (heavy/severe horse use).

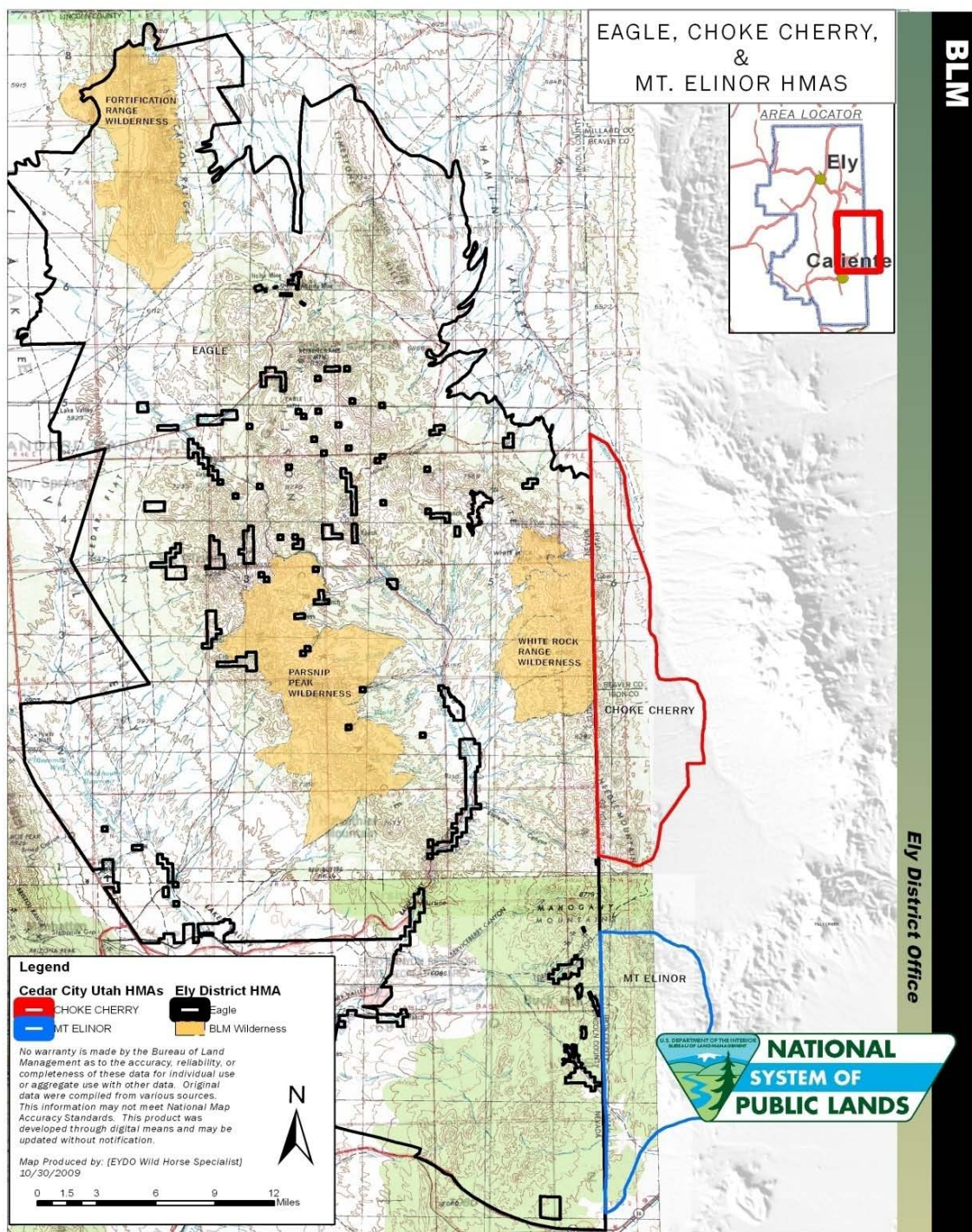
Based upon all information available at this time, the BLM has determined that 495 excess wild horses exist within the HMA and need to be removed in order to achieve the established AML, restore a Thriving Natural Ecological Balance and prevent further degradation of rangeland resources resulting from the current overpopulation of wild horses. This assessment is based on factors including, but not limited to the following rationale:

- A direct count of 595 wild horses in December 2009, showed 495 horses in excess of the AML lower limit.
- Use by wild horses is exceeding the forage allocated to their use by 6 times.
- Heavy to severe utilization is evident on key forage species within (magnitude of the HMA).
- In addition, 50 wild horses have moved outside the HMA in search of forage and water.



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Map 1



### **1.2 Purpose and Need**

The purpose of the Proposed Action is to remove excess wild horses in the HMA. This action is needed in order to achieve a population size within the established AML, protect rangeland resources from further deterioration associated with the current wild horse overpopulation, and restore a thriving natural ecological balance and multiple use relationship in the area as authorized under Section 3(b) (2) of the *Wild Free-Roaming Horses and Burros Act of 1971* (1971 WFRHBA). Resource damage is occurring in some areas of the HMA due to the current overpopulation of wild horses, and is likely to continue to occur as well as increase without immediate action.

Removal of excess wild horses to the low range of AML for the Eagle HMA is needed to allow the population to gradually increase without exceeding the capacity of the HMA's over the next several years in order to allow the range to recover without the need for any additional gathers to remove excess wild horses in the interim.

### **1.3 Conformance with BLM Land Use Plan(s)**

The Proposed Action is in conformance with the 2008 Ely District ROD and Approved RMP (August 2008) as required by regulation (43 CFR 1610.5-3(a)) as follows:

- **Goal:** "Maintain and manage health, self-sustaining wild horse herds inside herd management areas within appropriate management levels to ensure a thriving natural ecological balance while preserving a multiple-use relationship with other uses and resources."
- **Objective:** "To maintain wild horse herds at appropriate management levels within herd management areas where sufficient habitat resources exist to sustain healthy populations at those levels."

### **1.4 Relationship to Statutes, Regulations, or other Plans**

The Proposed Action is consistent with the following Federal, State, and local plans to the maximum extent possible.

- Lincoln County Portion (Lincoln/White Pine Planning Area) Sage Grouse Conservation Plan (2004)
- Fortification Range, Parsnip Peak, White Rock Range Final Wilderness Management Plan and EA of January 5, 2009
- State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada Historic Preservation Office (1999)
- Mojave/Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (February 12, 1997)
- Lincoln County Elk Management Plan (2006 revision)
- Endangered Species Act – 1973
- Wilderness Act – 1964
- Migratory Bird Treaty Act (1918 as amended) and Executive Order 13186 (1/11/01)
- Lincoln County Public Land and Natural Resource Management Plan as adopted by the Board of County Commissioners of Lincoln County (December 5, 1997).



The Proposed Action is consistent with all applicable regulations at 43 CFR (Code of Federal Regulations) 4700 and policies. The proposed action is also consistent with the Wild Free Roaming Horse and Burro Act of 1971, which mandates the Bureau to “*prevent the range from deterioration associated with overpopulation*”, and “*remove excess horses in order to preserve and maintain a thriving natural ecological balance and multiple use relationships in that area*”. Additionally, Promulgated Federal Regulations at Title 43 CFR 4700.0-6 (a) state “*Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat* (emphasis added).”

## **2.0 DESCRIPTION OF ALTERNATIVES, INCLUDING PROPOSED ACTION**

### **2.1 Introduction:**

#### **2.2 Alternative A: Proposed Action – Selective Removal of Excess Animals (Low Point AML); Apply Two-Year Fertility Control, & 60% Male Sex Ratio**

The Proposed Action would gather and remove approximately 80-85% of the population or approximately 495 excess wild horses within the Eagle HMA. If gather efficiencies exceed 495 wild horses, selective removal criteria would be used to return horses to the range. Of these, about 60% would be studs, with the remainder mares treated with fertility control (PZP-22) prior to their return.

Excess wild horses would be selected for removal from the range based on the following priority: age class 5 and younger would be removed first, animals age 6-15 would only be removed if needed to achieve AML, and animals 16 and older would not be removed unless needed to achieve AML. Animals displaying characteristics associated with Spanish Barb descent, regardless of age, would be selected for release back to the range, unless the lower limit of AML could not be achieved without their removal. Herd health, and characteristics data would be collected as part of continued monitoring of the wild horse herd.

Due to the mountainous terrain, vegetative cover, and potential winter storm conditions, gather efficiency may be less than optimal. Population gather projections show that at 80% gather efficiency (i.e., 80% of the current population of 595 or 476 horses gathered) an insufficient number of wild horses may be gathered to implement fertility control or allow release of horses back onto the range or to achieve the low range of AML.

About 50 excess wild horses residing permanently outside the HMA would also be removed. These horses residing outside the HMA are located along Hwy 93 between the Silver King and Eagle HMAs and are causing public health and safety issues. They are also negatively impacting range conditions in the area. Any other horses residing outside the HMA would be gathered and removed. Following the gather, approximately 100 wild horses would remain (i.e., the low range of the AML).

The primary gather technique would be the helicopter-drive trapping method. The use of roping from horseback could also be used when necessary. Multiple gather sites (traps) would be used to gather wild horses both from within or outside the HMAs. No trap sites would be set up in

sage grouse leks, riparian areas, cultural resource sites, or Congressionally Designated Wilderness Areas. Gather sites would be located in previously disturbed areas. All trap sites, holding facilities, and camping areas on public lands would be recorded with Global Positioning System equipment, given to the weed coordinator, and then assigned for monitoring during the next several years for noxious weeds. All gather and handling activities (including gather site selections) will be conducted in accordance with Standard Operating Procedures (SOPs) in Appendix IV.

Other data, including sex and age distribution, reproduction, condition class information (using the Henneke rating system), color, size and other information may also be recorded

### ***2.3 Alternative B: Remove Excess Animals (Low Point AML) Without Fertility Control***

Alternative B would be similar to Alternative A. Once 495 wild horses are gathered and removed the gather would conclude. No wild horses would be released with (PZP -22) fertility control sex ratios would not be adjusted. All wild horses residing outside the HMA would be gathered and removed. Gathered wild horses would be transported to BLM holding facilities where they will be prepared for adoption and/or sale to qualified individuals who can provide them with a good home or to long term holding (grassland pastures).

### ***2.4 No Action Alternative – Continuation of Existing Management***

Under the No Action Alternative, a gather to remove excess wild horses would be deferred. Damage to the range as a result of the current wild horse population would continue to increase as wild horse populations grow at 20-25% per year. In two years, the wild horse population would exceed 728 head or 7 times over AML. The BLM would continue vegetation and population monitoring. Wild horses currently residing outside the HMA would remain.

The No Action Alternative would not be in conformance with existing law and regulation which requires the authorized officer to remove the animals immediately upon determination that excess wild horses are present. However, the No Action Alternative is required by National Environmental Policy Act (NEPA) analysis to provide a baseline for impact analysis.

### ***2.5 Alternatives Considered But Eliminated From Detailed Analysis***

#### **Use of Bait and/or Water Trapping**

An alternative considered but dismissed from detailed analysis was use of bait and/or water trapping as the primary gather method. This alternative was dismissed from detailed study for the following reasons: (1) the size of the area is too large to use this method; (2) road access is limited, particularly during the winter; and (3) the presence of water sources on both private and public lands inside and outside the HMAs would make it almost impossible to restrict wild horse access to the extent needed to effectively gather and remove the excess animals.

#### **Gather and Excess Wild Horses Ages 0-4 years and Apply Two-Year PZP**

This alternative would be to gather the HMA, Apply Two-Year PZP (PZP-22) to breeding age mares, and only remove excess horses aging from 0 to 4 years old was modeled using a three

year gather/treatment interval over a 10 year period. Based on this modeling, this alternative would not result in attainment of the AML range for the HMA and the wild horse population would continue to have an average population growth rate of 7.6% to 19.5%, adding to the current wild horse overpopulation, albeit at a slower rate of growth. This alternative would decrease the portions of the existing overpopulation of wild horses, resource concerns would continue, and implementation would result in significantly increased gather and fertility control costs. This alternative would not meet the purpose and need and did not receive any further consideration.

**Gather Every Two Years, Remove Excess Wild Horses to Low AML and Apply Two-Year PZP to Horses For Release.**

Another alternative would be to gather the HMA every two years and apply two-year PZP (PZP-22) to breeding age mares. This alternative would gather 495 excess animals initially and there would be no sex ratio adjustment. During the initial gather it may be difficult to gather a large enough portion of the population to administer fertility control to enough mares to make an impact on the population growth rate. With each subsequent gather, the percentage of mares treated would increase due to the lower population size within the HMA, which in turn should lower then population growth rate. Though repeated treatments would be required in order to maintain AML, removal numbers would be low. This alternative would decrease the existing overpopulation of wild horses and their impacts to rangeland resources would be reduced; however, implementation of this alternative would result in significantly increased gather and fertility control costs. The time needed to complete a gather would increase over time because when an area is frequently gathered, the more difficult wild horses are to trap. They become very evasive, and learn to evade the helicopter by taking cover in treed areas and canyons. Wild horses would also move out of the area when they hear a helicopter, thereby further reducing the overall gather efficiency. Frequent gathers would increase the stress to wild horses, as individuals and as entire herds. It would become increasingly more difficult over time to repeat gathers every two years to successfully treat a large portion of the population. Therefore, due to the size of the area, the terrain involved, and the complexity involved in gathering the wild horse population, and given that other reasonable management options exist, this alternative was dropped from detailed study.

**Remove or Reduce Livestock within the HMAs**

This alternative would involve no removal of wild horses and instead address the excess wild horse numbers through the removal or reduction of livestock within the HMAs. This alternative was not brought forward for detailed analysis because it is outside of the scope of the analysis, and is inconsistent with the 2008 Ely District ROD and Approved RMP (August 2008) and the WHBA which directs the Secretary to immediately remove excess wild horses, and is inconsistent with multiple use management. Livestock grazing can only be reduced or eliminated following the process outlined in the regulations found at 43 CFR Part 4100. Such changes to livestock grazing cannot be made through a wild horse gather decision.

Final Multiple Use Decisions (FMUDs) were issued for allotments within the Eagle HMA. These decisions established stocking rates for wild horses and livestock, the decisions also established seasons of use, areas of use, kind and class of livestock and management actions to improve livestock distribution, these management actions included, the establishment of grazing

systems, allowable use levels, salting and herding practices. Livestock reductions through the Multiple Use Decision process were implemented on allotments within the Eagle HMA.

Livestock grazing continues to be evaluated for allotments and use areas within the Eagle HMA. Monitoring and evaluation of livestock grazing is in accordance with the Ely District Record of Decision and Approved Resource Management Plan dated August 20, 2008. This action is specifically provided for in Management Decisions LG-4 and LG-5.

The goals and objectives for livestock grazing found in the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, states, “Manage livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health.” In addition, “To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health (p 85-86).”

Management Action LG-4 states, “Continue to monitor and evaluate allotments to determine if they are continuing to meet or are making significant progress toward meeting the standards for rangeland health. Table E-1 in Appendix E shows the current grazing preference, season-of-use, and kind of livestock for those allotments that currently are evaluated for meeting standards, are making progress toward achieving the standards, or are in conformance with the policies as determined either through the allotment evaluation process or associated with fully processed term permit renewals. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, kind of livestock. Such changes will continue to meet the RMP goals and objectives, including the standards for rangeland health.”

Management Action LG-5 states, “Maintain the current grazing preference, season-of-use, and kind of livestock until the allotments that have not been evaluated for meeting or making progress toward meeting the standards or are in conformance with the policies are evaluated. Depending on the results of the standards assessment, maintain or modify grazing preference, seasons-of-use, kind of livestock and grazing management practices to achieve the standards for rangeland health. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Ensure changes continue to meet the RMP goals and objectives, including the standards for rangeland health.”

The BLM is currently authorized to remove livestock from HMAs “if necessary to provide habitat for wild horses or burros, to implement herd management actions, or to protect wild horses or burros from disease, harassment or injury” under CFR 4710.5. This authority is usually applied in cases of emergency and not for general management of wild horses or burros.

### **Gathering the HMAs to upper range of AML**

A post-gather population size at the upper level of the AML would result in AML being exceeded following the next foaling season (spring 2010). This would be unacceptable for several reasons.

The upper level of the AMLs established for the HMAs within the HMAs represent the maximum population for which thriving natural ecological balance would be maintained. The lower level represents the number of animals to remain in the HMAs following a wild horse gather in order to allow for a periodic gather cycle, and prevent the population from exceeding the established AML between gathers.

“We interpret the term AML within the context of the statute to mean that ‘optimum’ number of wild horses which results in a thriving natural ecological balance and avoids a deterioration of the range” (109 IBLA 119 API 1989). “Proper range management dictates removal of horses before the herd size causes damage to the range land. Thus, the optimum number of horses is somewhere below the number that would cause resource damage” (118 IBLA 75).

Additionally, gathering to the upper range of AML, would result in the need to follow up with another gather within one year, and could result in overutilization of vegetation resources and damage to the rangeland. For these reasons, this alternative did not receive further consideration in this document.

### **3.0 AFFECTED ENVIRONMENT/ENVIRONMENTAL EFFECTS**

#### **General Setting**

The Eagle HMA is located in northeastern Lincoln County approximately 30 air miles southeast Ely, Nevada, and 20 miles northeast of Caliente Nevada. The area is within the Great Basin physiographic regions, characterized by a high, rolling plateau underlain by basalt flows covered with a thin loess and alluvial mantle. On many of the low hills and ridges that are scattered throughout the area, the soils are underlain by bedrock. Elevations within the HMA range from approximately 5,000 feet to 9,500 feet. Annual precipitation ranges from approximately 7 inches on some of the valley bottoms to 20 inches on the mountain peaks. Most of this precipitation comes during the winter and spring months in the form of snow, supplemented by localized thunderstorms during the summer months. Temperatures range from greater than 90 degrees Fahrenheit in the summer months to minus 20 degrees in the winter. The area is also utilized by domestic livestock and numerous wildlife species.

Table 3 summarizes which of the critical elements of the human environment and other resources of concern within the project area are present, not present or not affected by the proposed action.

#### **Table 3. Summary of Critical and Other Elements of the Human Environment**

##### *Identification of Issues:*

Internal scoping was conducted by an interdisciplinary (ID) team on Aug 10, 2009, that analyzed the potential consequences of the Proposed Action. Potential impacts to the following resources/concerns were evaluated in accordance with criteria listed in the H-1790-1 NEPA Handbook (2008) page 41, to determine if detailed analysis was required. Consideration of some of these items is to ensure compliance with laws, statutes or Executive Orders that impose certain requirements upon all Federal actions. Other items are relevant to the management of public



lands in general, and to the Ely District BLM in particular.

<b>Resource/Concern</b>	<b>Issue(s) Analyzed? (Y/N)</b>	<b>Rationale for Dismissal from Detailed Analysis or Issue(s) Requiring Detailed Analysis</b>
Air Quality	N	There would be temporary increased particulate matter (dust) resulting from the proposed action. The affected area is not within an area of non-attainment or areas where total suspended particulates or other criteria pollutants exceed Nevada air quality standards. Direct, indirect or cumulative impacts do not approach a level of significance. Detailed analysis is not required.
Areas of Critical Environmental Concern (ACEC)	N	Not present in the designated HA boundaries.
Cultural Resources	N	Cultural sites would be avoided. Cultural resources around springs would be better protected with wild horse removal. A needs Assessment has been completed.
Forest Health	N	Project has a negligible impact directly, indirectly and cumulatively to forest health. Detailed analysis not required.
Migratory Birds	N	Proposed action would be planned to occur outside of Migratory Bird nesting season.
Rangeland Standards and Guidelines	N	Beneficial impacts to rangeland standards and health are consistent with the need and objectives for the proposed action. No detailed analyses necessary.
Native American Religious and other Concerns	N	No potential traditional religious or cultural sites of importance have been identified in the project according to the Ely District RMP Ethnographic report (2003).
Wastes, Hazardous or Solid	N	No hazardous or solid wastes exist on the permit renewal area, nor would any be introduced.
Water Quality, Drinking/Ground	N	No affects to water quality are expected. Project would avoid spring riparian, and stream locations.
Environmental Justice	N	No environmental justice issues are present at or near the project.
Floodplains	N	No floodplains have been identified by HUD or FEMA within the project area. Floodplains as defined in Executive Order 11988 may exist in the area, but would not be affected by the proposed action.
Farmlands, Prime and Unique	N	There are soils within the HMA that have been designated by the Natural Resource Conservation Service as meeting the requirements to be considered prime farmlands. Localized trampling of these soils may occur at the trap sites. The propose action will not contribute either directly or indirectly to loss of these potential farmlands. The effects would be minimal and would not directly or indirectly approach any level of significance, no further analysis is necessary.
Threatened and Endangered	N	Not present.

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Species		
Wetlands/Riparian Zones	Y	Analysis in EA
Non-native Invasive and Noxious Species	Y	Analysis in EA
Wilderness/WSA	Y	Analysis in EA
Human Health and Safety	N	No analysis needed as no safety concerns are expected, but a risk management worksheet will be prepared to mitigate any hazards that may present themselves
Wild and Scenic Rivers	N	Not Present
Special Status Animal Species, other than those listed or proposed by the FWS as threatened or Endangered.	Y	Analysis in EA
Special Status Plant Species, other than those listed or proposed by the FWS as Threatened or Endangered. Also, ACECs designated to protect special status plant species.	Y	Analysis in EA
Fish and Wildlife	Y	Analysis in EA
Wild Horses	Y	Analysis in EA
Soils/Watershed	N	Project implementation during dry soil conditions combined with the relative small areas used for gathering and holding operations are not expected to adversely impact soil or hydrologic function.
Livestock Grazing	Y	Analysis in EA
Water Resources (Water Rights)	N	No adverse effects to water resources or water rights are expected. Project would avoid spring, riparian, and stream locations.
Mineral Resources	N	There would be no modifications to mineral resources through the proposed action.
Vegetative Resources	N	The impacts to vegetation based on the removal of wild horses from these two herd areas were analyzed on pages 4.5-7-27 of the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007). The proposed action would impact vegetation temporarily with trampling and disturbance of vegetation occurring at trap sites. The design features of the proposed action including the SOPs, Appendix I addresses minimizing disturbance to vegetation. The effects would be minimal, and would not directly, indirectly, and cumulatively approach any level of significance. No further analysis is necessary.

#### **4.0 Environmental Consequences**

The following critical or other elements of the human environment are present and may be affected by the proposed action or the alternatives. The affected environment is described for the reader to be able to understand the impact analysis.

##### *A. Wild Horses*

##### **Affected Environment**

Wild horses are introduced species within North America and have few natural predators. Few natural controls act upon wild horse herds making them very competitive with native wildlife and other living resources managed by the BLM. Population inventory flights have been conducted in the Eagle HMA every two to three years. These population inventory flights have provided information pertaining to population numbers, foaling rates, distribution, and herd health. A population inventory was conducted December 2009, with a direct count method observed 595 wild horses throughout the Eagle HMA. The current wild horse population of 595 wild horses is approximately 6 times over the low limit of the AML. Approximately 50 horses are currently residing outside the HMA located along Hwy 93 between the Silver King and Eagle HMAs and are causing public health and safety issues. Current Body Condition Score (BCS) for the Eagle HMA is 3-4 most of the horses are at a 4, some of the older horses are in a 3 BCS based on the Henneke Body Condition Chart. Genetic baseline data will need to be collected to establish the genetic diversity of the wild horses within the Eagle HMA. Last winter, wild horse use of many key areas of the HMA was heavy – severe. Above average moisture received in the spring increased forage production, which prevented a catastrophic loss of wild horses in the HMA.

Population Modeling was completed for the Eagle Herd Management Area to analyze possible differences that could occur to the wild horse populations between alternatives. Included was analyzing removals of excess wild horses with no fertility control, as compared to alternatives which consider removals of excess wild horses with fertility control and sex ratio adjustments. The No Action (no removal) alternative was also modeled. One objective of the modeling was to identify if any of the alternatives “crash” the population or cause extremely low population numbers or growth rates. Minimum population levels and growth rates were found to be within reasonable levels and adverse impacts to the population are not likely. Graphic and tabular results are displayed in detail in Appendix V.

##### **Environmental Impacts**

***Proposed Action*** – The Proposed Action would remove excess wild horses within the HMA and outside the HMA boundary. Under this alternative, excess wild horses would be removed to the lower limit of the AML. The Sex ratio of animals released back to the range following the gather would be slightly adjusted in favor of males, and fertility control would be applied to all breeding age mares that are released. Successful implementation of this alternative would be dependent on a 90-95% gather rate in order to have enough animals available for release post-gather. Historically, gather efficiencies have averaged only about 75-80% on these HMAs; at this level of efficiency, all the wild horses gathered would need to be removed in order to restore population size to within the established AML.

Assuming enough animals could be gathered to allow for at least some animals to be released post gather. All mares selected for release would be treated with a two-year Porcine Zona Pellucida (PZP-22) or similar vaccine and released back to the range. Immunocontraceptive treatments would be conducted in accordance with the approved standard operating and post-treatment monitoring procedures (SOPs, Appendix II). Mares would be selected to maintain a diverse age structure, herd characteristics and conformation (body type).

Studs selected for release would be released to increase the post-gather sex ratio to approximately 60% studs in the remaining herds. Studs would be selected to maintain a diverse age structure, herd characteristics and body type (conformation).

Decreased competition for forage, coupled with reduced reproduction as a result of fertility control should result in improved health and condition of mares and foals and in maintaining healthy range conditions over the longer-term. Additionally, reduced reproduction rates would be expected to extend the time interval between gathers and reduce disturbance to individual animals as well as herd social structure over the foreseeable future.

This would reduce damage to the range from the current overpopulation of wild horses and allow vegetation resources time to recover over the next 4 years, without the need for additional gathers in the interim. As a result, there would be fewer disturbances to individual animals and the herd, and a more stable wild horse social structure would be provided.

Removal of excess wild horses would also improve herd health. Less competition for forage and water resources would reduce stress and promote healthier animals. Mares would continue to foal normally following the gather.

Impacts to individual animals may occur as a result of handling stress associated with the gather, gather, processing, and transportation of animals. The intensity of these impacts varies by individual and is indicated by behaviors ranging from nervous agitation to physical distress. Mortality to individuals from this impact is infrequent but does occur in one half to one percent of wild horses gathered in a given gather. Other impacts to individual wild horses include separation of members of individual bands of wild horses and removal of animals from the population.

Indirect impacts can occur to horses after the initial stress event, and may include increased social displacement, or increased conflict between studs. These impacts are known to occur intermittently during wild horse gather operations. Traumatic injuries may occur, and typically involve biting and/or kicking bruises, which do not break the skin.

**Alternative B** – Impacts from this alternative would be similar to the Proposed Action, however there would be no horses released, no sex ratios would be adjusted fertility control would not be applied. AML would be achieved but may exceed the high end of AML sooner than the proposed action.

**No Action Alternative** – If No Action is taken, excess wild horses would not be removed from

within or outside the Eagle HMA at this time. The animals would not be subject to the individual direct or indirect impacts as a result of a gather operation in February 2010. Over the short-term, individuals in the herd would be subject to increased stress and possible death as a result of increased competition for water and forage as the population continues to grow. The number of areas experiencing severe utilization by wild horses would increase over time. This would be expected to result in increasing damage to rangeland resources throughout the HMA. Trampling and trailing damage by wild horses in/around riparian areas would also be expected to increase, resulting in larger, more extensive areas of bare ground. Competition for the available water and forage between wild horses, domestic livestock, and native wildlife would increase.

Wild horses are a long-lived species with documented survival rates exceeding 92% for all age classes. Predation and disease have not substantially regulated wild horse population levels within or outside the Eagle HMA. Throughout the HMAs administered by the Ely District few predators exist to control wild horse populations. Some mountain lion predation occurs, but does not appear to be substantial. Coyote are not prone to prey on wild horses unless young, or extremely weak. Other predators such as wolf or bear do not exist. As a result, there would be a steady increase in wild horse numbers for the foreseeable future, which would continue to exceed the carrying capacity of the range. Individual horses would be at risk of death by starvation and lack of water. The population of wild horses would compete for the available water and forage resources, affecting mares and foals most severely. Social stress would increase. Fighting among stud horses would increase as they protect their position at scarce water sources, as well as injuries and death to all age classes of animals. Significant loss of the wild horses in the HMA due to starvation or lack of water would have obvious consequences to the long-term viability of the herd. Continued decline of rangeland health and irreparable damage to vegetative, soil and riparian resources, would have obvious impacts to the future of the HMA and all other users of the resources, which depend upon them for survival. As a result, the No Action Alternative would not ensure healthy rangelands that would allow for the management of a healthy, self-sustaining wild horse population, and would not promote a thriving natural ecological balance.

As populations increase beyond the capacity of the habitat, more bands of horses would leave the boundaries of the HMA in search of forage and water as well as increased probability of vehicular accidents along US Highway 93. This alternative would result in increasing numbers of wild horses in areas not designated for their use, and would not achieve the stated objectives for wild horse herd management areas, to “prevent the range from deterioration associated with overpopulation”, and “preserve and maintain a thriving natural ecological balance and multiple use relationship in that area”.

### ***B. Riparian/Wetland Areas and Surface Water Quality***

#### ***Affected Environment***

Riparian areas at high elevations support cottonwood and aspen woodlands. Small riparian areas and their associated plant species occur throughout the HMA near seeps, springs, and along sections of perennial drainages. Many of these areas support limited riparian habitat (forage) and water flows. At the present time, wild horse use of the majority of these areas is averaging heavy to severe use. Trampling and trailing damage by wild horses is evident at most locations; soil



compaction and surface and rill erosion is evident. The current overpopulation of wild horses is resulting in resource damage and preventing recovery of key sites.

### Environmental Impacts

**Proposed Action** – To avoid the direct impacts potentially associated with the gather operation, temporary trap sites and holding/processing facilities would not be located within riparian areas.

Managing the wild horse population within the established AML over the next 4 years would be expected to initiate recovery of damaged riparian habitats. The amount of trampling/trailing would be reduced. Utilization of the available forage within the riparian areas would also be reduced to within allowable levels. Over the longer-term, continued management of wild horses within the established AML would be expected to result in healthier, more vigorous vegetative communities. Hoof action on the soil around unimproved springs and stream banks would be lessened which should lead to increased stream bank stability and decreased compaction and erosion. Improved vegetation around riparian areas would dissipate stream energy associated with high flows, and filter sediment that would result in some associated improvements in water quality. The Proposed Action would make progress towards achieving and maintaining proper functioning condition at riparian areas. There would also be reduced competition among wildlife, wild horses, and domestic livestock for the available water.

**Alternative B** –Impacts from this alternative would be similar to the Proposed Action, AML would be achieved but may exceed the high end of AML sooner than the proposed action. When AML is at the high end or exceeded excessive damage to riparian areas may be more evident.

**No Action Alternative** – Wild horse populations would continue to grow. Increased wild horse use throughout the HMA would continue to adversely impact riparian resources and their associated surface waters. Over the longer-term, as native plant health continues to deteriorate and plants are lost, soil erosion would increase. With the No Action alternative, the localized trampling associated with trap sites would not occur, but this alternative would not make progress towards achieving and maintaining a thriving natural ecological balance. An opportunity to make progress toward achieving and maintaining properly functioning condition riparian areas would be foregone.

### **C. Wildlife, including Migratory Birds**

#### Affected Environment

The Eagle HMA provides habitat for many species of wildlife, including large mammals like mule deer, pronghorn antelope, and Rocky Mountain elk. Yearlong habitat for mule deer occurs throughout the complex. A large area of crucial summer range occurs in the upper elevations of the Eagle HMA. The majority of the HMA outside of the Wilson Creek Range, Fortification Range, and White Rock range is yearlong pronghorn antelope habitat. The White Rock Range and Wilson Creek Range is Rocky Mountain elk yearlong habitat.

Sage grouse use the majority of the Eagle HMA throughout the year for all of their seasonal

habitat needs. These habitat needs include breeding (i.e., strutting grounds or leks), nesting and early brood-rearing, late brood-rearing or summer, and winter. The Eagle HMA is located within the Lincoln population management unit (PMU) identified in the local sage grouse conservation plan. There are 16 known sage grouse leks within the Eagle HMA. At least 6 of the leks have been active within the past 5 years.

The Eagle HMA provides habitat for small mammals, birds (including migratory birds), reptiles, amphibians, and insects common to the Great Basin.

### Environmental Impacts

**Proposed Action** – Individual animals of all species may be disturbed or displaced during gather operations. Large mammals and some birds may run or fly when the helicopter flies over looking for horses, but once the helicopter is gone the animals should return to normal activities. Small mammals, birds, and reptiles would be displaced at trap sites, but this would only be for a few days at each trap site. There would be no impact to animal populations as a result of gather operations.

Because the Eagle HMA gather would be done during the winter, there would be no impact to breeding and nesting sage grouse, and migratory birds.

Removing excess wild horses from the Eagle HMA would result in reduced competition between wild horses and wildlife, especially large mammals, for available forage and water resources. Managing wild horses within the range of AML would result in improved habitat conditions for all species of wildlife by increasing herbaceous vegetative cover in the uplands and improving riparian vegetation and water quality at springs and seeps.

Completion of the gather and achievement of the established AML would provide the best opportunity for conservation, protection and preservation of identified species and their habitats. Alternatives 1 and 2 would result in reduced competition with wildlife which would increase the quantity and quality of available forage. There would be fewer disturbances associated with wild horses along stream and riparian habitats and adjacent upland habitats.

**Alternative B**– Impacts from this alternative would be similar to the Proposed Action, AML would be achieved but may exceed the high end of AML sooner than the proposed action. When AML is at the high end or exceeded improved wildlife habitat conditions may not last as long because wild horse populations would build back up and exceed AML sooner.

**No Action Alternative** – Individual animals would not be disturbed or displaced under the no action alternative. Competition between wildlife and wild horses for forage and water resources would continue, and may even get worse as wild horse numbers continue to increase above AML. Wild horses are aggressive around water sources, and some animals may not be able to compete which could lead to the death of individual animals. Wildlife habitat conditions would deteriorate as wild horse numbers above AML reduce herbaceous vegetative cover. This could

result in lower nesting success for sage grouse and migratory birds.

***D. Special Status Plant and Animal Species (federally listed, proposed, or candidate threatened or endangered species; State listed species; and BLM sensitive species)***

***Affected Environment***

There are no known federally listed or proposed species found in the Eagle HMA. Several BLM sensitive animal species are found within the HMA including several species of bats, raptors, and other birds.

There are several BLM sensitive plant species that have been found within the Eagle HMA. These include the scarlet buckwheat, Pioche blazingstar, long calyx eggvetch, and Tunnel Springs beardtongue.

***Environmental Impacts***

***Proposed Action*** – Individual raptors and birds may be disturbed during gather operations when the helicopter flies over looking for horses. Once the helicopter is gone these birds should return to normal activities. Because trap sites and holding corrals would not be located where sensitive animal and plant species are known to occur, there would be no impact from these activities. There would be no impact to populations of special status species as a result of gather operations.

Removing excess wild horses from the Eagle HMA and managing wild horses within AML would result in improved habitat conditions for all special status animal species by increasing herbaceous vegetative cover in the uplands and improving riparian vegetation and water quality springs and seeps. Sensitive plant species would be less likely to be grazed or trampled after removing excess wild horses.

***Alternative B*** – Impacts would be the same as in the proposed action; however, improved habitat conditions for all special status animal species may not last as long because wild horse populations may exceed the high end of AML sooner.

***No Action Alternative*** – Individual animals would not be disturbed or displaced because gather operations would not occur under the no action alternative. Habitat conditions for all special status animal species would continue to deteriorate as wild horse numbers above AML reduce herbaceous vegetative cover. Sensitive plant species would be more likely to be grazed and trampled under the no action alternative because there would be more wild horses in the HMAs.

***E. Livestock***

***Affected Environment***

The Eagle HMA includes portions of several livestock grazing allotments (see Appendix I – Allotment Map). Permitted livestock grazing use in the HMA includes both cattle and sheep

grazing during all seasons of the year. Livestock grazing also occurs in areas immediately adjacent to the HMAs. Permitted livestock grazing use has generally been reduced in recent years in a majority of the allotments. The issuance of grazing Term Permit Renewals continue to analyze livestock stocking levels, established deferred seasons of grazing, rotated grazing areas, and established water hauling areas that result in distributed livestock grazing. Since the last gather, licensed livestock use, or actual use, has generally been less than permitted use for each of the grazing allotments, in part due to persistent drought.

Table 3. Eagle Herd Management Area

Allotment	Season of Use	Total Acres	% of Allotment in HMA	Ten Year Average AUM Use	Percent of Permit Use
Wilson Creek	Cattle and Sheep: 3/1 to 2/28	355,859	41%	18215	38%
Deer Lodge	3/1 to 2/28	7,345	1%	119	71%
N4/N5	3/1 to 2/28	41,595	2%	138	17%
Rabbit Spring	6/1 to 3/15	20,766	1%	257	29%
McGuffy	3/1 to 2/28	21,911	3%	346	116%
Mahogany Peak	3/1 to 2/28	28,586	0.3%	271	38%
Geyser Ranch	3/1 to 2/28	302,332	13%	7249	59%
Condor Canyon	3/1 to 1/24	45,298	5%	175	26%
Hamblin Valley	Cattle and Sheep: 11/1 to 5/31	106,371	6%	5,326	65%
Cottonwood	11/1 to 6/15	49,964	4%	824	37%

### Environmental Impacts

**Proposed Action** – Past experience has shown that wild horse gather operations have few direct impacts to cattle and sheep grazing. Livestock located near gather activities would be temporarily disturbed or displaced by the helicopter and the increased vehicle traffic during the gather operation. Typically livestock would move back into the area once gather operations cease. Removal of excess wild horses would result in an increase in forage availability and quality, reducing competition between livestock and wild horses for available forage and water resources.

**Alternative B** – Impacts would be the same as in the Proposed Action, however, wild horse populations may increase at a faster rate and exceed the high end of AML sooner.

**No Action Alternative** – Livestock would not be displaced or disturbed due to gather operations under the No Action Alternative, however, there would be continued competition with wild horses for limited water and forage resources. As wild horse numbers increase, livestock grazing within the HMA may be further reduced in an effort to slow the deterioration of the range to the greatest extent possible.

## **F. Wilderness**

### *Affected Environment*

The Eagle HMA contains the White Rock Range, Parsnip Peak, and Fortification Range Wilderness Areas (see appendix 1 Map #2 - Wilderness Areas). The wilderness areas are rugged, uplifted ranges, with isolated riparian areas. The lower elevations are thickly forested by pinyon pine and juniper. The wilderness areas within the eagle HMA receive extremely large amount of wild horse use during spring summer and fall months. During the winter the lower elevation areas receive year round wild horse use.

### *Environmental Impacts*

**Proposed Action** – Impacts to opportunities for solitude could occur during gather operations due to the possible noise of the helicopter and increased vehicle traffic around the wilderness. Those impacts would cease when the gather was completed. No surface impacts within wilderness are anticipated to occur during the gather since all trap sites and holding facilities would be placed outside wilderness. Wilderness values of naturalness after the gather would be enhanced by a reduction in wild horse numbers as a result of an improved ecological condition of the plant communities and other natural resources.

**Alternative B** – Impacts would be the same as described for the Proposed Action.

**No Action Alternative** – No direct impacts to wilderness due to gather operations would occur. Impacts to wilderness values of naturalness could be threatened through the continued population growth of wild horses. Wilderness areas currently receive moderate - heavy use by wild horses during certain times of the year. Increasing wild horse populations would be expected to further degrade the condition of vegetation and soil resources. The sight of heavy horse trails, trampled vegetation and areas of high erosion would continue to detract from the wilderness experience.

## **G. Noxious Weeds and Invasive Non-Native Species**

### *Affected Environment*

The BLM defines a weed as a non native plant that disrupts or has the potential to disrupt or alter the natural ecosystem function, composition and diversity of the site it occupies. A weeds presence deteriorates the health of the site. Weeds makes efficient use of natural resources difficult and it may interfere with management objectives for that site. It is an invasive species that requires a concerted effort (manpower and resources) to remove from its current location, if it can be removed at all. "Noxious" weeds refer to those plant species which have been legally designated as unwanted or undesirable. This includes national, state and county or local designations. The following noxious weed species are known to exist within the Eagle HMA. (See Appendix II for weed risk assessment).

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. Currently, the following weed species are found within the Eagle HMA:



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Scientific Name	Common Name
<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium draba</i>	Hoary cress
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

The following noxious and non-native, invasive species are found along roads and drainages leading to the area:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

The Eagle HMA was last inventoried for noxious weeds in 2008. It should be noted that the Eagle HMA occurs on the Ely District boundary with the Fillmore Field Office. Weed inventory data for this field office is not available. While not officially documented the following non-native invasive weeds probably occur in or around the project area:

<i>Bromus tectorum</i>	Cheatgrass	<i>Halogeton glomeratus</i>	Halogeton
<i>Ceratocephala testiculata</i>	Bur buttercup	<i>Marrubium vulgare</i>	Horehound
<i>Convolvulus arvensis</i>	Field bindweed	<i>Salsola kali</i>	Russian thistle
<i>Elaeagnus angustifolia</i>	Russian olive	<i>Sysimbrium altissimum</i>	Tumble mustard
<i>Erodium cicutarium</i>	Filaree	<i>Verbascum thapsus</i>	Common mullein

### Environmental Impacts

**Proposed Action** – The proposed gather may spread existing noxious or invasive weed species. This could occur if vehicles drive through infestations and spread seed into previously weed-free areas. The contractor together with the contracting officer's representative or project inspector (COR/PI) would examine proposed trap sites and holding corrals for noxious weeds prior to construction. If noxious weeds are found, the location of the facilities would be moved. Any off-road equipment exposed to weed infestations would be cleaned before moving into weed free

areas. All trap sites, holding facilities, and camping areas on public lands would be monitored for weeds during the next several years. Despite short-term risks, over the long term the reduction in wild horse numbers and the subsequent recovery of the native vegetation would result in fewer disturbed sites that would be susceptible for non-native plant species to invade.

**Alternative B** – Impacts would be the same as in the proposed action.

**No Action Alternative** – Under this alternative, the wild horse gather would not take place at this time. The likelihood of noxious weeds being spread by gather operations would not exist. However, continued overgrazing of the present plant communities could lead to an expansion of noxious weeds and invasive non-native species due to increased wild horse numbers.

### **5.0 Cumulative Impacts**

The National Environmental Policy Act (NEPA) regulations define cumulative impacts as impacts on the environment that result from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such actions (40 CFR 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Cumulative impacts are impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. The area of cumulative impact analysis is the Eagle HMA and Utah's Mt Elinor and Chokecherry HMAs (See map appendix I).

According to the 1994 BLM *Guidelines For Assessing and Documenting Cumulative Impacts*, the cumulative analysis should be focused on those issues and resource values identified during scoping that are of major importance. Accordingly, the issues of major importance that are analyzed are maintaining rangeland health and achieve and maintain appropriate management level.

#### ***Past, Present, and Reasonably Foreseeable Actions***

The Past, Present, and Reasonably Foreseeable Future Actions applicable to the assessment area are identified as the following:

Project -- Name or Description	Status (x)		
	Past	Present	Future
Issuance of multiple use decisions and grazing permits for ranching operations through the allotment evaluation process and the reassessment of the associated allotments.	x		x
Livestock grazing	x	x	x
Wild Horse and Burro Gathers	x	x	x
Mineral Exploration / Geothermal Exploration/Abandoned mine land reclamation	x	x	x
Recreation	x	x	x

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Spring development (fencing water sources)	x	x	x
Wildlife guzzler construction	x	x	x
Invasive weed inventory/treatments	x	x	x
Wild Horse and Burro issues, issuance of Multiple use decisions AML adjustments and planning	x	x	X

Any future proposed projects within the Eagle HMA would be analyzed in an appropriate environmental document following site specific planning. Future project planning would also include public involvement.

### **Past Actions**

The Schell ( 1983) and Caliente (1982) MFPs (Ely District) designated the Deer Lodge Canyon and Wilson Creek (Fortification and Patterson-Eagle Herd Areas) HMAs for the long-term management of wild horses. The HMAs was later combined into the Eagle HMA in the Ely District Record of Decision (ROD) and Approved Resource Management Plan (RMP) in August 2008 due to the interchange between the two HMAs. The HMA is nearly identical in size and shape to the original Herd Areas representing where wild horses were located in 1971. Currently, management of HMAs within the HMA and wild horse population is guided by the Ely District ROD and RMP. The AML range for the HMA is 100-210 wild horses. The BLM also moved to long range planning with the development of Resource Management Plans and Grazing Environmental Impact Statements. These EISs analyzed impacts of the Land Use Plan's management direction for grazing and wild horses, as updated through Bureau policies, Rangeland Program direction, and Wild Horse Program direction. Forage was allocated within the allotments for livestock use and range monitoring studies were initiated to determine if allotment objectives were being achieved, or that progress toward the allotment objectives was being made.

Due to these laws and subsequent court decisions, integrated wild horse management has occurred in the Eagle HMA. Four gathers have been completed in the past on portions of the HMA. Future gathers would be scheduled on a 4-or 5- year gather cycle. Approximately 1252 wild horses have been removed from the Eagle HMA in the last 20 years; populations are thriving and have not been negatively impacted. An Appropriate Management Level determination for the Eagle HMA was established through Ely *Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/EIS, 2007) released in November 2007.

Similarly, adjustments in livestock season of use, livestock numbers, and grazing systems are ongoing through the livestock Term Permit Renewal process. In addition, temporary closures to livestock grazing in areas burned by wildfires, or due to extreme drought conditions, were implemented to improve range condition.

### **Present Actions**

Today the Eagle HMA has an estimated population of 595 wild horses. Resource damage is occurring in portions of the HMA due to excess animals. Horses continue to move between the BLM Utah's Chokecherry and Mt. Elinor HMAs and BLM Nevada's (Schell FO) Eagle HMA. Due to this movement, the Eagle HMA gather is being coordinated with the Cedar City FO to

limit the potential for adverse impacts on the adjacent HMAs. Approximately 50 wild horses are also residing outside the HMA along Hwy 93; these horses are located between the Eagle and Silver King HMA. These wild horses are posing a safety issue with Hwy 93. Current BLM policy is to conduct removals targeting portions of the wild horse population based upon age, and allowing the correction of any sex ratio problems that may occur. Further, the BLM's policy is to conduct gathers in order to facilitate a four-year gather cycle. Program goals have expanded beyond establishing a "*thriving natural ecological balance*" (by setting appropriate management level (AML)) for individual herds, to include achieving and maintaining healthy, viable, vigorous, and stable populations.

Current mandates prohibit the destruction of healthy animals that are removed or deemed to be excess. Only sick, lame, or dangerous animals can be euthanized, and destruction is no longer used as a population control method. A recent amendment to the Wild Free-Roaming Horses and Burro Act allows the sale of excess wild horses that are over 10 years in age or have been offered unsuccessfully for adoption three times. BLM is adding additional long-term holding grassland pastures in the Midwest to care for excess wild horses for which there is no adoption or sale demand.

Today public interest in the welfare and management of wild horses is currently as high as it has ever been. Many different values pertaining to wild horse management form current wild horse perceptions. Wild horses are viewed as nuisances, as well as living symbols of the pioneer spirit.

The BLM is continuing to modify grazing permits and conduct vegetation treatments to improve watershed health. Currently within the Eagle HMA sheep and cattle grazing occurs on a yearly basis.

The focus of wild horse management has also expanded to place more emphasis on achieving rangeland health as measured through the RAC Standards. Mojave-Southern Great Basin Resource Advisory Councils (RAC) developed standards and guidelines for rangeland health that have been the current basis for managing wild horse and livestock grazing within the Ely District. Adjustments in numbers, season of use, grazing season, and allowable use are based on evaluating progress toward reaching the standards.

### ***Reasonably Foreseeable Future Actions***

In the future, the BLM would manage wild horses within HMAs that have suitable habitat for a population range, while maintaining genetic diversity, age structure, and sex ratios. Current policy is to express all future wild horse AMLs as a range, to allow for regular population growth, as well as better management of populations rather than individual HMAs. The Ely BLM District completed the *Ely Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/EIS, 2007) released in November 2007 which analyzed AMLs expressed as a range and addressed wild horse management on a programmatic basis. Future wild horse management would focus on an integrated ecosystem approach with the basic unit of analysis being the watershed. The BLM would continue to conduct monitoring to assess progress toward meeting rangeland health standards. Wild horses would continue to be a component of the public lands, managed within a multiple use concept.

While there is no anticipation for amendments to the Wild and Free-Roaming Horse and Burro Act that would change the way wild horses could be managed on the public lands, the Act has been amended three times since 1971. Therefore, there is potential for amendment as a reasonably foreseeable future action.

As the BLM achieves AML on a Bureau wide basis gathers should become more predictable due to facility space. This should increase stability of gather schedules, which would result in the Eagle HMA being gathered at least every four years. Fertility control should also become more readily available as a management tool, with treatments that last between gather cycles, reducing the need to remove as many wild horses, and possibly extending the time between gathers. Wild horses will continue to move throughout the Eagle Chokecherry and Mt. Elinor HMA's.

### ***Impacts***

Past actions regarding the management of wild horses have resulted in the current wild horse population within the Eagle HMA. Wild horse management has contributed to the present resource condition and wild horse herd structure within the gather area.

The combination of the past, present, and reasonably foreseeable future actions, along with the proposed action, should result in more stable wild horse populations, healthier rangelands, healthier wild horses, and fewer multiple-use conflicts within the Eagle HMA.

Most past and all present and reasonably foreseeable future actions have noxious and invasive weed prevention stipulations and required weed treatment requirements associated with each project. This in combination with the active BLM Ely District Weed Management Program will minimize the spread of weeds throughout the watershed.

### **6.0 Mitigation Measures and Suggested Monitoring**

Proven mitigation and monitoring are incorporated into the proposed action through standard operating procedures, which have been developed over time. These SOPs (Appendix II, III and IV) represent the "best methods" for reducing impacts associated with gathering, handling, transporting and collecting herd data. Samples to establish a genetic baseline for the Eagle HMA wild horses will be collected; additional samples will be collected during future gathers (in 10-15 years) to determine trend. Should monitoring indicate genetic diversity is not being adequately maintained, 1-2 young mares from HMAs in similar environments would be added every generation (every 8-10 years) to avoid inbreeding depression/maintain acceptable genetic diversity. Ongoing resource monitoring, including climate (weather), and forage utilization, population inventory, and distribution data will continue to be collected.

### **7.0 Consultation and Coordination**

Public hearings are held annually on a state-wide basis regarding the use of motorized vehicles, including helicopters and fixed-wing aircraft, in the management of wild horses (or burros). During these meetings, the public is given the opportunity to present new information and to



voice any concerns regarding the use of the motorized vehicles. The Nevada BLM State Office held a meeting on May 20, 2009; numerous written comments were entered into the record for this hearing. Specific concerns included: (1) the use of helicopters and motorized vehicles is inhumane and results in injury or death to significant numbers of wild horses and burros; (2) population inventory methods using helicopters and fixed wing aircraft; (3) reported reproduction and mortality rates; (4) providing the public with pertinent information regarding gather plans at site-specific locations; (5) statistics or statements relating to impacts of helicopter driving, distances, terrain, etc. on wild burro herds; (6) studies on impacts to wild horses and burros on the use of helicopters and helicopter driving during gather. Standard Operating Procedures were reviewed in response to these concerns and no changes to the SOPs were indicated based on this review.

The use of helicopters and motorized vehicles has proven to be a safe, effective and practical means for the gather and removal of excess wild horses and burros from the range. Since July 2004, Nevada has gathered 26,000 animals with a total mortality of 1.1% (of which .5% was gather related) which is very low when handling wild animals. BLM also avoids gathering wild horses prior to or during the peak foaling season and does not conduct helicopter removals of wild horses during March 1 through June 30.

The Ely District BLM has coordinated with Nevada Department of Wildlife (NDOW) during the yearly coordination meeting on this gather.

On December 8, 2009 the Ely District sent a Notice of Proposed Action (NOPA) to the Wilderness and Wilderness Study Area interested public mailing list notifying them of the action taking place in Wilderness.

The Eagle Herd Management Preliminary Environmental Assessment DOI-BLM-NV-L020-2009-0051-EA Comments will be accepted for 30 days until January, 27, 2010. Interested individuals should may mail written comments to the BLM Ely District Office, HC 33 Box 33500, Ely, NV 89301 attn: Mary D'Aversa, Schell Field Manager or send an e-mail to: [eaglegather@blm.gov](mailto:eaglegather@blm.gov)  
EA is also posted at [www.nv.blm.gov/ely](http://www.nv.blm.gov/ely). Comments need to be post marked, faxed, or emailed to [eaglegather@blm.gov](mailto:eaglegather@blm.gov) no later than 1-27-2010.

### Internal District Review

Name	Title	Responsible for the Following Section(s) of this Document
Ben Noyes	Wild Horse Specialist	Project Lead/ Wild Horse
	Wildlife Biologist	Wildlife, Migratory Birds, Special Status Species
Bonnie Million Mindy Seal	Noxious & Invasive Weeds Specialist	Non-native Invasive Species Including Noxious Weeds
Zach Peterson	Forester	NEPA, Air Quality, Enviornmental Justice, Forestry
Melanie Peterson	Environmental Protection Specialist	Human Health and Safety, Hazardous Wastes
Dave Jacobson	Wilderness Planner	Wilderness
Mark D'Aversa	Hydrologist	Soil, Water, Wetlands and Riparian/Flood Plans

<b>Shirley Johnson Chelsy Simerson</b>	<b>Rangeland Management Specialist</b>	<b>Livestock Grazing</b>
<b>Shawn gibson</b>	<b>Archaeologist</b>	<b>Cultural Resources</b>
<b>Elvis Wall</b>	<b>Native American Coordinator</b>	<b>Native American Religious Concerns</b>

## **8.0 REFERENCES, GLOSSARY AND ACRONYMS**

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## *6.2 Acronyms*

**BLM**-Bureau of Land Management

**CFR**-Code of Federal Regulations

**DR**-Decision Record

**EA**-Environmental Assessment

**EIS**-Environmental Impact Statement

**FLPMA**-Federal Land Policy and Management Act

**FONSI**-Finding of No Significant Impact

**HA** – Herd Area

**HMA** – Herd Management Area

**ID**-Interdisciplinary

**IM**-Instructional Memorandum

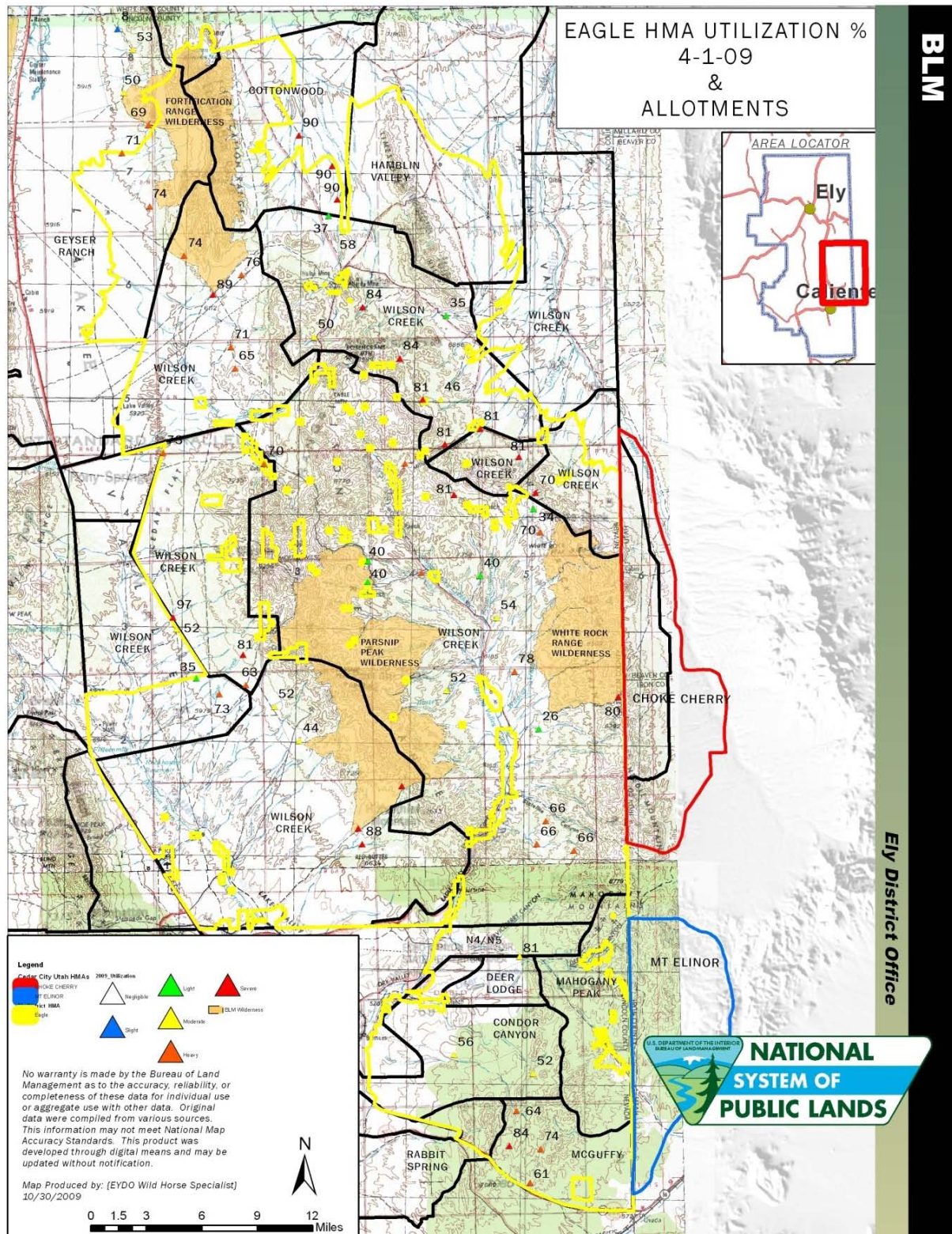
**NEPA**-National Environmental Policy Act

**RFS**-Reasonably Foreseeable Future Action

**RMP**-Resource Management Plan



## APPENDIX I: Utilization and Allotment Map





## APPENDIX II

### Standard Operating Procedures for Fertility Control Treatment

The following management and monitoring requirements are part of the Proposed Action:

- PZP vaccine would be administered by trained BLM personnel.
- A liquid dose of PZP would be administered concurrently with a time released portion of the drug (pelleted formulation) to breeding mares returned to the range (the pellets are injected with the liquid and are designed to release PZP at several points in time much the way time-release cold pills work).
- Delivery of the vaccine would be as an intramuscular injection by jab stick syringe or dart with a 12 gauge needle or 1.5" barbless needle, respectively while mares are restrained in the working chute; 0.5 cubic centimeters (cc) of the PZP vaccine would be emulsified with 0.5 cc of adjuvant (a compound that stimulates antibody production) and loaded into the delivery system. The pellets would be placed in the barrel of the syringe or dart needle and would be injected with the liquid. Upon impact, the liquid in the chamber would be propelled into the muscle along the pellets<sup>2</sup>.
- All treated mares would be freeze-marked on the hip to enable researchers to positively identify the animals during the research project as part of the data collection phase.
- At a minimum, monitoring of reproductive rates using helicopter flyovers will be conducted in years 2 through 4 by locating treated mares and checking for presence/absence of foals. The flight scheduled for year 4 will also assist in determining the percentage of mares that have returned to fertility. In addition, field monitoring will be routinely conducted as part of other regular ground-based monitoring activities.
- A field data sheet will be forwarded to the field from BLM's National Program Office (NPO) prior to treatment. This form will be used to record all pertinent data relating to identification of the mare (including a photograph when possible), date of treatment, type of treatment (1 or 2 year vaccine, adjuvant used) and HMA, etc. The form and any photos will be maintained at the field office and a copy of the completed form will be sent to the authorized officer at NPO (Reno, Nevada).
- A tracking system will be maintained by NPO detailing the quantity of PZP issued, the quantity used, disposition of any unused PZP, the number of treated mares by HMA, field office, and state along with the freeze-mark applied by HMA.
- The field office will assure that treated mares do not enter the adoption market for three years following treatment. In the rare instance, due to unforeseen circumstance, treated mare(s) are removed from an HMA before three years has lapsed, they will be maintained in either a BLM facility or a BLM-contracted long term holding facility until expiration of the three year holding period. In the event it is necessary to remove treated mares, their removal and

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<sup>2</sup> This delivery method has been used previously to deliver immunocontraceptive vaccine with acceptable results. Administration of this two year vaccine to mares would be expected to be 94% effective the first year, 82% effective the second year, and 68% effective the third year. To date, one herd area has been studied using the 2-year PZP vaccine. The Clan Alpine study in Nevada was started in January 2000 with the treatment of 96 mares. The test resulted in fertility rates in treated mares of 6% in year one, 18% in year two and 32% in year three. Average fertility rates in untreated mares range between 50-60% in most populations. The Clan Alpine fertility rate in untreated mares, obtained from direct observation in September of each year, average 51% over the course of the study.

disposition will be coordinated through NPO. After expiration of the three year holding period, the animal may be placed in the adoption system.

## Appendix III

### **RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS**

#### **Eagle HMA Gather Lincoln County, Nevada**

On July 29, 2009 a Noxious & Invasive Weed Risk Assessment was completed for the Eagle Herd Management Area (HMA) wild horse gather. The proposed action is to remove approximately 506 excess wild horses from the Eagle HMA beginning in February 2010 in order to achieve and maintain the appropriate management level (AML) and prevent further range deterioration resulting from the current overpopulation of wild horses. The Eagle HMA was last gathered in February 2007 where 646 horses were removed. The Eagle HMA is located in northeastern Lincoln County approximately 50 miles south east of Ely, Nevada, and 20 miles northeast of Caliente Nevada. The HMA encompasses approximately 670,000 acres. The area is within the Great Basin physiographic region, characterized by a high, rolling plateau underlain by basalt flows covered with a thin loess and alluvial mantle.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. Currently, the following weed species are found within the Eagle HMA:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium draba</i>	Hoary cress
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

The following noxious and non-native, invasive species are found along roads and drainages leading to the area:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

The Eagle HMA was last inventoried for noxious weeds in 2008. It should be noted that the Eagle HMA occurs on the Ely District boundary with the Fillmore Field Office. Weed inventory data for this field office is not available. While not officially documented the following non-native invasive weeds probably occur in or around the project area:

<i>Bromus tectorum</i>	Cheatgrass	<i>Halogeton glomeratus</i>	Halogeton
<i>Ceratocephala testiculata</i>	Bur buttercup	<i>Marrubium vulgare</i>	Horehound
<i>Convolvulus arvensis</i>	Field bindweed	<i>Salsola kali</i>	Russian thistle

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*Elaeagnus angustifolia* Russian olive  
*Erodium cicutarium* Filaree

*Sysimbrium altissimum* Tumble mustard  
*Verbascum thapsus* Common mullein

**Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.**

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as Moderate (5) at the present time. Given the concentrated use around gather sites and the use of non-certified forage it is likely that project activities will results in new infestations, specifically at the gather sites.

**Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.**

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

This project rates as High (8) at the present time. Aside from along major roads and drainages, such as Meadow Valley Wash and Clover Creek, these HAs are relatively weed free. If new weed infestations spread to the area there would be adverse effects to the surrounding native vegetation. Any increase in cheatgrass or red brome could alter the fire regime in the area.

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**The Risk Rating is obtained by multiplying Factor 1 by Factor 2.**

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is Moderate (40). This indicates that the project can proceed as planned as long as the following measures are followed:

- Gather sites will be chosen in previously disturbed areas which are free from noxious weed infestations, to the greatest extent possible.
- Where appropriate, vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. Vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global positioning systems or other mutually acceptable equipment and provided to the Ely District Office Weed Coordinator or designated contact person.
- Prior to entry of vehicles and equipment to a planned disturbance area, a weed scientist or qualified biologist will identify and flag areas of concern. The flagging will alert personnel or participants to avoid areas of concern.
- Keep removal and disturbance of vegetation would be kept to a minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)
- Monitoring of the gather sites will be conducted for at least three years and will include weed detection. Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.



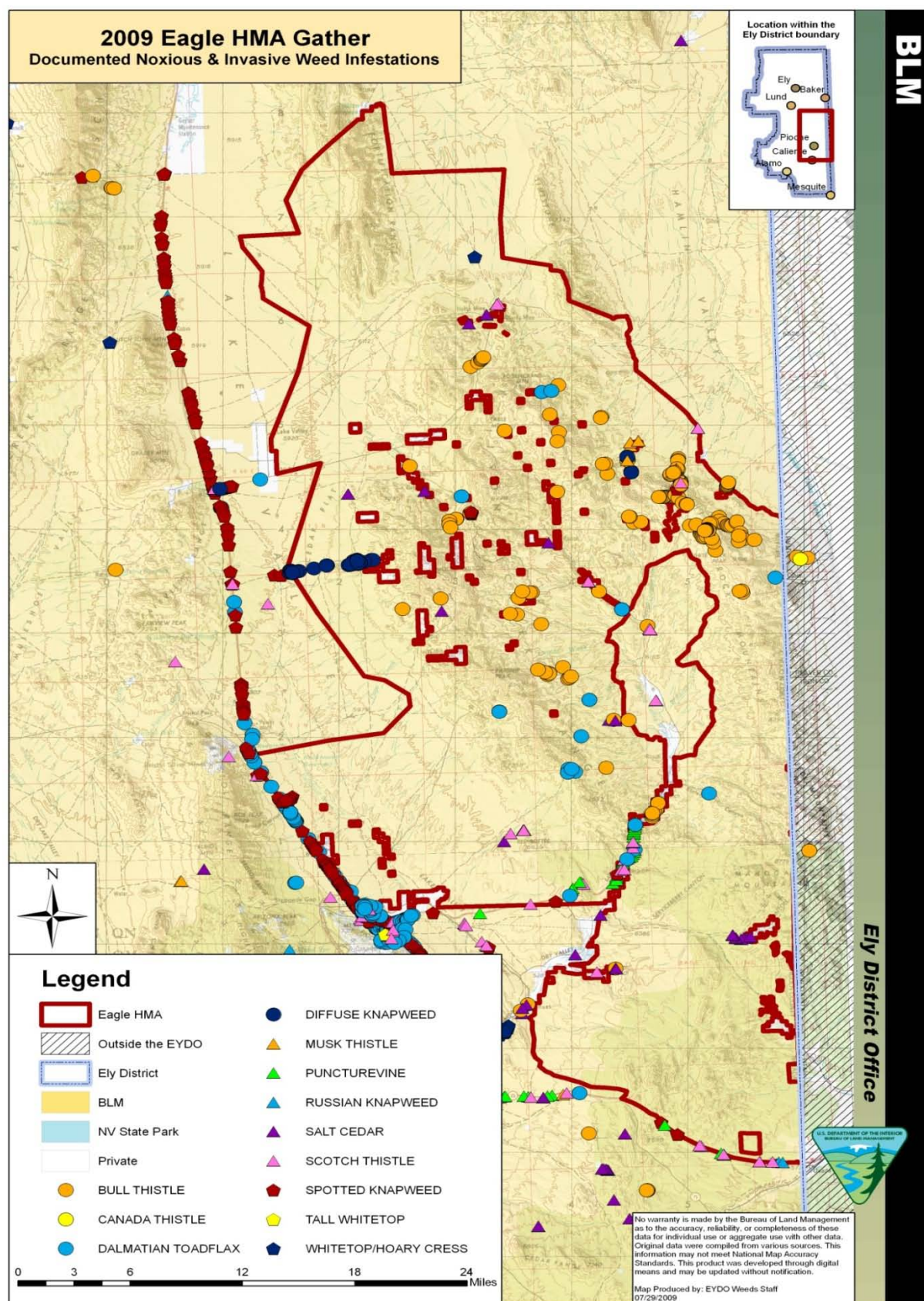
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The Ely District normally requires that all hay, straw, and hay/straw products use in project be free of plant species listed on the Nevada noxious weed list. However, this gather is being implemented through the National Wild Horse & Burro Gather Contract and there are no stipulations in this national contract that require the contractor to provide certified weed-free forage.

Reviewed by:                     /s/Bonnie M. Million                      
Bonnie M. Million  
Ely District Noxious & Invasive Weeds Coordinator

                    07/29/2009                      
Date



## **APPENDIX IV STANDARD OPERATING PROCEDURES**

Gathers would be conducted by utilizing contractors from the Wild Horse Gathers-Western States Contract, or BLM personnel. The following procedures for gathering and handling wild horses would apply whether a contractor or BLM personnel conduct a gather. For helicopter gathers conducted by BLM personnel, gather operations will be conducted in conformance with the *Wild Horse Aviation Management Handbook* (January 2009).

Prior to any gathering operation, the BLM will provide for a pre-gather evaluation of existing conditions in the gather area(s). The evaluation will include animal conditions, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with wilderness boundaries, the location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine whether the proposed activities will necessitate the presence of a veterinarian during operations. If it is determined that a large number of animals may need to be euthanized or gather operations could be facilitated by a veterinarian, these services would be arranged before the gather would proceed. The contractor will be apprised of all conditions and will be given instructions regarding the gather and handling of animals to ensure their health and welfare is protected.

Trap sites and temporary holding sites will be located to reduce the likelihood of injury and stress to the animals, and to minimize potential damage to the natural resources of the area. These sites would be located on or near existing roads whenever possible.

The primary gather methods used in the performance of gather operations include:

1. Helicopter Drive Trapping. This gather method involves utilizing a helicopter to herd wild horses into a temporary trap.
2. Helicopter Assisted Roping. This gather method involves utilizing a helicopter to herd wild horses or burros to ropers.
3. Bait Trapping. This gather method involves utilizing bait (e.g., water or feed) to lure wild horses into a temporary trap.

The following procedures and stipulations will be followed to ensure the welfare, safety and humane treatment of wild horses in accordance with the provisions of 43 CFR 4700.

### **A. Gather Methods used in the Performance of Gather Contract Operations**

1. The primary concern of the contractor is the safe and humane handling of all animals gathered. All gather attempts shall incorporate the following:

All trap and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (PI) prior to construction. The Contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

2. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors. Under normal circumstances this travel should not exceed 10 miles and may be much less dependent on existing conditions (i.e. ground conditions, animal health, extreme temperature (high and low)).
3. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:
  - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, and the bottom rail of which shall not

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- be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.
- b. All loading chute sides shall be a minimum of 6 feet high and shall be fully covered, plywood, metal without holes larger than 2"x4".
  - c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.
  - d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, plastic snow fence, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses
  - e. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking or sliding gates.
4. No modification of existing fences will be made without authorization from the COR/PI. The Contractor shall be responsible for restoration of any fence modification which he has made.
  5. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to wet down the ground with water.
  6. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, estrays or other animals the COR determines need to be housed in a separate pen from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government will require that animals be restrained for the purpose of determining an animal's age, sex, or other necessary procedures. In these instances, a portable restraining chute may be necessary and will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the gather area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the COR.
  7. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day. The contractor will supply certified weed free hay if required by State, County, and Federal regulation.

An animal that is held at a temporary holding facility through the night is defined as a horse/burro feed day. An animal that is held for only a portion of a day and is shipped or released does not constitute a feed day.
  8. It is the responsibility of the Contractor to provide security to prevent loss, injury or death of gathered animals until delivery to final destination.
  9. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI will determine if animals must be euthanized and provide for the destruction of such animals. The Contractor may be required to humanely euthanize animals in the field and to dispose of the carcasses as directed by the



COR/PI.

10. Animals shall be transported to their final destination from temporary holding facilities as quickly as possible after gather unless prior approval is granted by the COR for unusual circumstances. Animals to be released back into the HMA following gather operations may be held up to 21 days or as directed by the COR. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR. The Contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the COR. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours in any 24 hour period. Animals that are to be released back into the gather area may need to be transported back to the original trap site. This determination will be at the discretion of the COR/PI or Field Office horse specialist.

#### **B. Gather Methods That May Be Used in the Performance of a Gather**

1. Gather attempts may be accomplished by utilizing bait (feed, water, mineral licks) to lure animals into a temporary trap. If this gather method is selected, the following applies:
  - a. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.
  - b. All trigger and/or trip gate devices must be approved by the COR/PI prior to gather of animals.
  - c. Traps shall be checked a minimum of once every 10 hours.
2. Gather attempts may be accomplished by utilizing a helicopter to drive animals into a temporary trap. If the contractor selects this method the following applies:
  - a. A minimum of two saddle-horses shall be immediately available at the trap site to accomplish roping if necessary. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one half hour.
  - b. The contractor shall assure that foals shall not be left behind, and orphaned.
3. Gather attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If the contractor, with the approval of the COR/PI, selects this method the following applies:
  - a. Under no circumstances shall animals be tied down for more than one hour.
  - b. The contractor shall assure that foals shall not be left behind, or orphaned.
  - c. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

#### **C. Use of Motorized Equipment**

1. All motorized equipment employed in the transportation of gathered animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the COR/PI, if requested, with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated



capacity, and operated so as to ensure that gathered animals are transported without undue risk or injury.

3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have at least two (2) partition gates providing at least three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing at least two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.
4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.
5. Floors of tractor-trailers, stock trailers and loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping as much as possible during transport.
6. Animals to be loaded and transported in any trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers:
  - 11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);
  - 8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
  - 6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
  - 4 square feet per burro foal (.50 linear feet in an 8 foot wide trailer).
7. The COR/PI shall consider the condition and size of the animals, weather conditions, distance to be transported, or other factors when planning for the movement of gathered animals. The COR/PI shall provide for any brand and/or inspection services required for the gathered animals.
8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor will be instructed to adjust speed.

#### **D. Safety and Communications**

1. The Contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the gather of wild horses utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government will take steps necessary to protect the welfare of the animals.
  - a. The proper operation, service and maintenance of all contractor furnished property is the responsibility of the Contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the Contractor will be notified in writing to furnish replacement personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative.
  - b. The Contractor shall obtain the necessary FCC licenses for the radio system

- c. All accidents occurring during the performance of any task order shall be immediately reported to the COR/PI.
- 2. Should the contractor choose to utilize a helicopter the following will apply:
  - a. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State in which the gather is located.
  - b. Fueling operations shall not take place within 1,000 feet of animals.

#### **G. Site Clearances**

No personnel working at gather sites may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage or otherwise alter or deface any archaeological resource located on public lands or Indian lands.

Prior to setting up a trap or temporary holding facility, BLM will conduct all necessary clearances (archaeological, T&E, etc). All proposed site(s) must be inspected by a government archaeologist. Once archaeological clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.

Gather sites and temporary holding facilities would not be constructed on wetlands or riparian zones.

#### **H. Animal Characteristics and Behavior**

Releases of wild horses would be near available water. If the area is new to them, a short-term adjustment period may be required while the wild horses become familiar with the new area.

#### **I. Public Participation**

Opportunities for public viewing (i.e. media, interested public) of gather operations will be made available to the extent possible; however, the primary considerations will be to protect the health, safety and welfare of the animals being gathered and the personnel involved. The public must adhere to guidance from the on-site BLM representative. It is BLM policy that the public will not be allowed to come into direct contact with wild horses or burros being held in BLM facilities. Only authorized BLM personnel or contractors may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at anytime or for any reason during BLM operations.

#### **J. Responsibility and Lines of Communication**

##### **Contracting Officer's Representative/Project Inspector**

Ruth Thompson, Wild Horse and Burro Specialist, Ely District  
Ben Noyes, Wild Horse and Burro Specialist, Ely District  
Chad Hunter, Wild Horse and Burro Specialist, Cedar City Field Office  
Alan Shepherd, NV WH&B Program Lead

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Schell Supervisory Natural Resource Specialist and the Schell Field Managers will take an active role to ensure the appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, and BLM Holding Facility offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

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All publicity, formal public contact and inquiries will be handled through the Field Manager and/or the Supervisory Natural Resource Specialist and Field Office Public Affairs. These individuals will be the primary contact and will coordinate with the COR/PI on any inquiries.

The COR will coordinate with the contractor and the BLM Corrals to ensure animals are being transported from the gather site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after gather of the animals. The specifications will be vigorously enforced.

Should the Contractor show negligence and/or not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.

**Appendix V**  
**Eagle Herd Management Area Population Modeling**

To complete the population modeling for the Eagle Herd Management Area, version 1.40 of the WinEquus program, created April 2, 2002, was utilized.

Objectives of Population Modeling

Review of the data output for each of the simulations provided many use full comparisons of the possible outcomes for each alternative. Some of the questions that need to be answered through the modeling include:

- Do any of the Alternatives “crash” the population?
- What effect does fertility control have on population growth rate?
- What effects do the different alternatives have on the average population size?
- What effects do the different alternatives have on the genetic health of the herd?

Population Data, Criteria, and Parameters utilized for Population Modeling

All simulations used the survival probabilities, foaling rates, and sex ratio at birth that was supplied with the WinEquus population for the Garfield HMA.

Sex ratio at Birth:  
43% Females  
57% Males

The following percent effectiveness of fertility control was utilized in the population modeling for Alternative I:

Year 1: 94%, Year 2: 82%, Year 3: 68%

The following table displays the contraception parameters utilized in the population model for Alternative I:

Contraception Criteria  
(Alternative I)

Age	Percentages for Fertility Treatment
1	0%
2	100%
3	100%
4	100%
5	100%
6	100%
7	100%
8	100%
9	100%
10-14	100%
15-19	100%
20+	100%

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Population Modeling Criteria

The following summarizes the population modeling criteria that are common to the Proposed Action and all alternatives:

- Starting Year: 2009
- Initial Gather Year: 2009
- Gather interval: regular interval of three years
- Gather for fertility treatment regardless of population size: No
- Continue to gather after reduction to treat females: Yes
- Sex ratio at birth: 58% males
- Percent of the population that can be gathered: 85%
- Minimum age for long term holding facility horses: Not Applicable
- Foals are not included in the AML
- Simulations were run for 10 years with 100 trials each

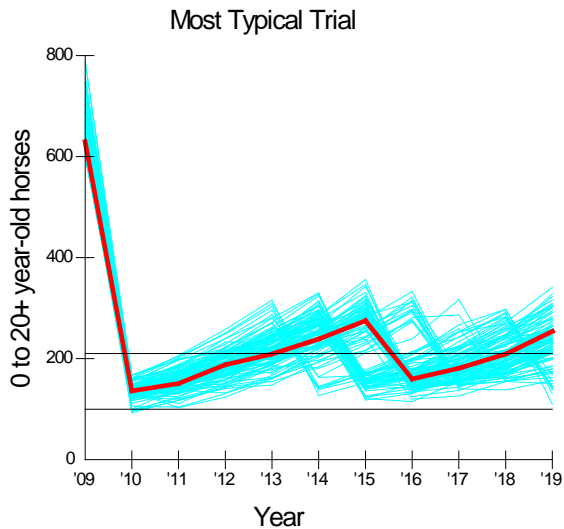
The following table displays the population modeling parameters utilized in the model:

Population Modeling Parameters

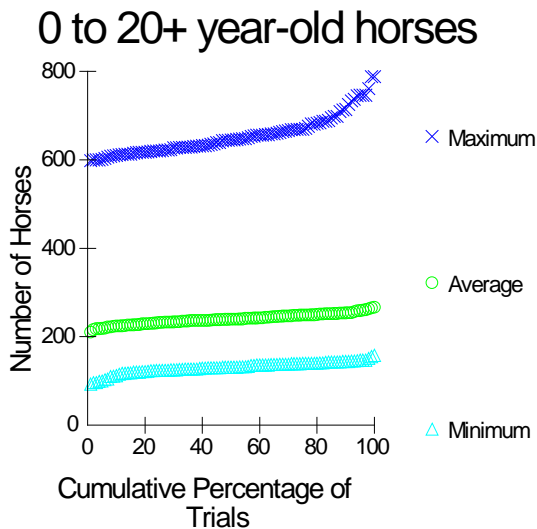
<b>Modeling Parameter</b>	<b>Alternative A Proposed Action (Remove to Low Limit of Management Range, Adjust sex ratio 60-40 &amp; Fertility Control)</b>	<b>Alternative B Remove Excess Animals (Low Point AML) Without Fertility Control</b>	<b>Alternative C No Action (No Removal &amp; No Fertility Control)</b>
Management by removal, 60:40 adjustment in sex ratio, and fertility control	Yes	No	N/A
Management by removal only	No	Yes	N/A
Threshold Population Size Following Gathers	210	210	N/A
Target Population Size Following Gathers	100	100	N/A
Gather for fertility control regardless of population size	No	No	N/A
Gathers continue after removals to treat additional females	Yes	No	N/A
Effectiveness of Fertility Control: Year 1	94%	N/A	N/A
Effectiveness of Fertility Control: Year 2	82%	N/A	N/A
Effectiveness of Fertility Control: Year 3	68%	N/A	N/A

**Results- Alternative A: Proposed Action – Selective Removal of Excess Animals (Low Point AML); Apply Two-Year Fertility Control, & 60% Male Sex Ratio**

Population Size



Population Size



	Population Sizes in 11 Years*		
	Minimum	Average	Maximum
Lowest Trial	93	210	598
10th Percentile	114	224	610
25th Percentile	124	232	620
Median Trial	131	239	645
75th Percentile	140	249	670
90th Percentile	144	254	720
Highest Trial	158	266	788

\* 0 to 20+ year-old horses

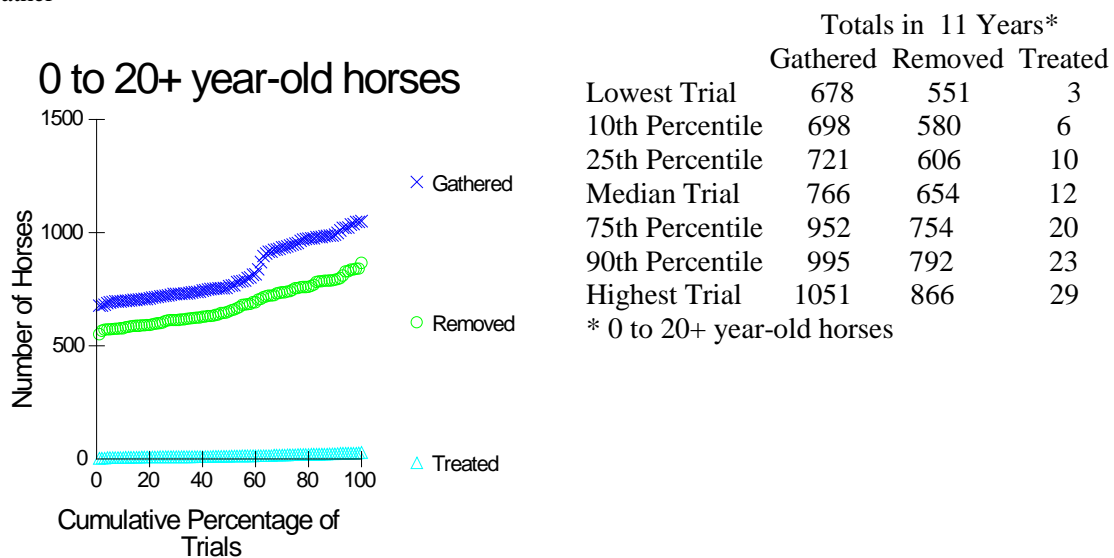
**Explanation**

In 11 yrs and 100 trials, the lowest number of 0 to 20+ yr old horses ever obtained was 93 and the highest was 788. In half the trials, the minimum population size in 11 years was less than 131 and the maximum was less than 645. The average population size across 11 years ranged from 210 to 266.

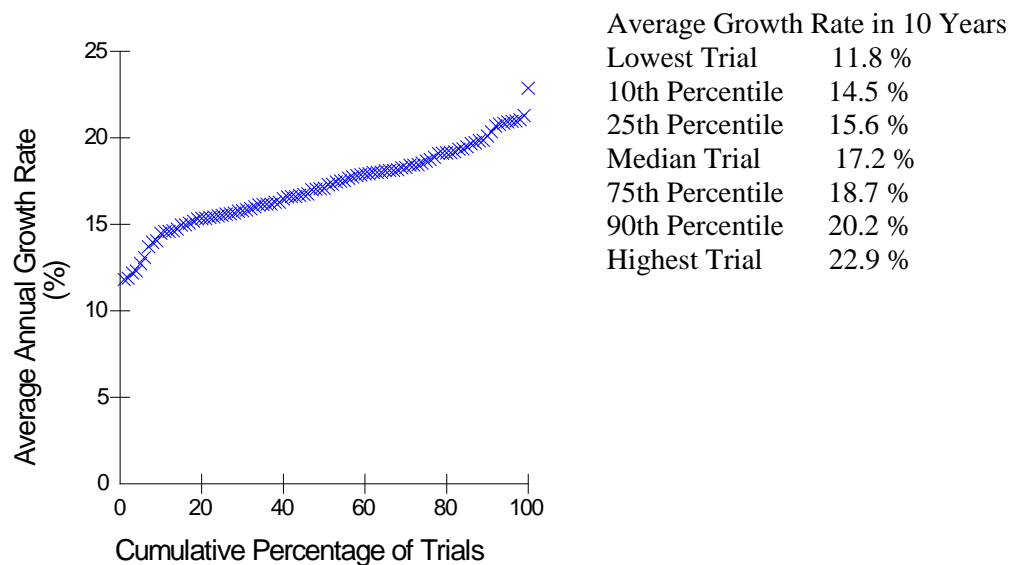


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Gather

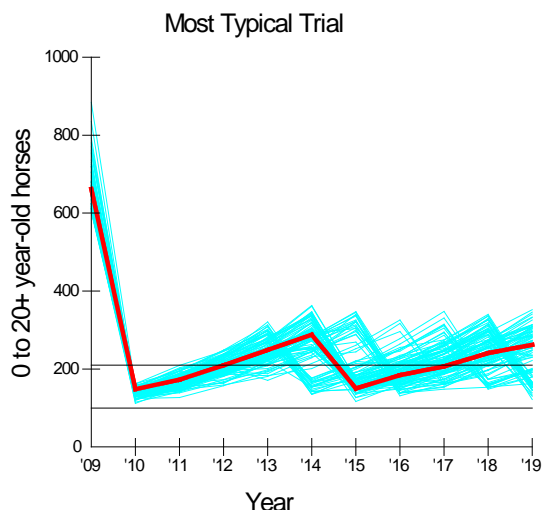


Growth Rate

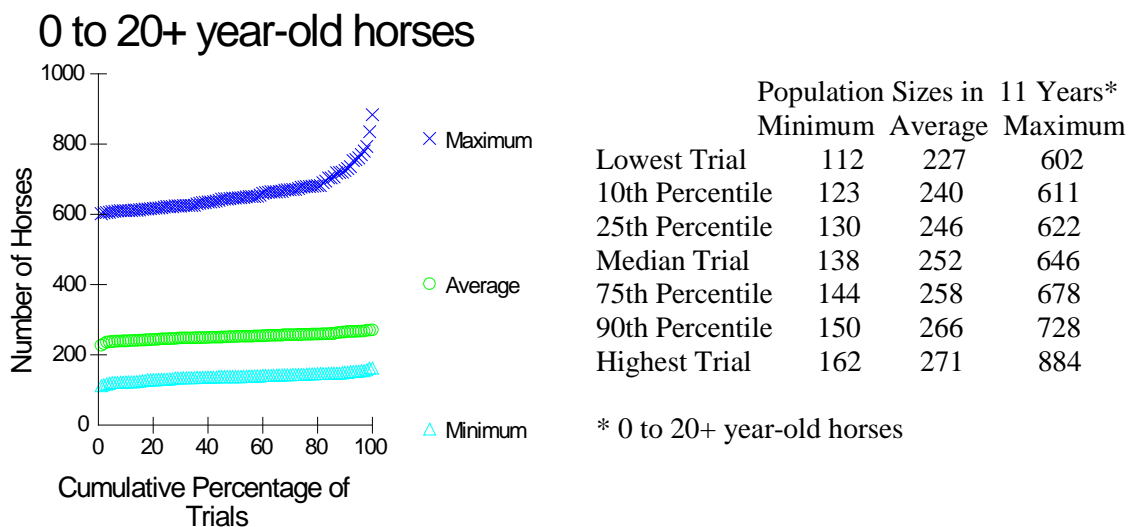


**Results- Alternative B: Remove Excess Animals (Low Point AML) Without Fertility Control**

Population Size



Population Size

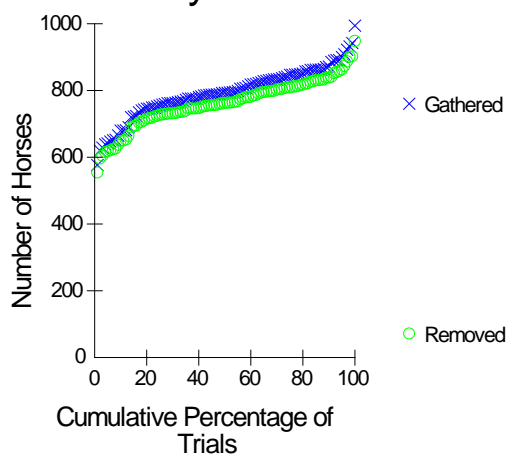


Explanation

In 11 yrs and 100 trials, the lowest number of 0 to 20+ yr old horses ever obtained was 112 and the highest was 884. In half the trials, the minimum population size in 11 years was less than 138 and the maximum was less than 646. The average population size across 11 years ranged from 227 to 271.

## Gather

### 0 to 20+ year-old horses

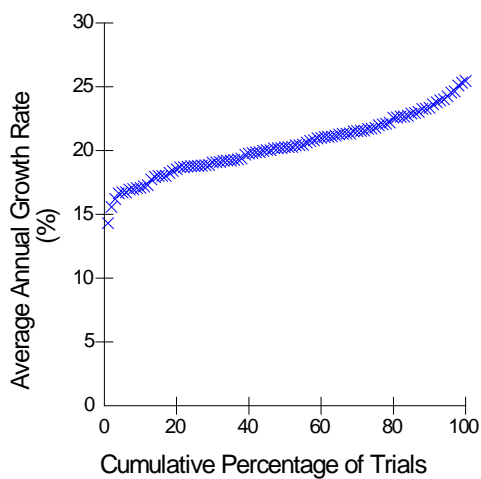


#### Totals in 11 Years\*

	Gathered	Removed
Lowest Trial	577	554
10th Percentile	680	650
25th Percentile	756	728
Median Trial	793	762
75th Percentile	847	810
90th Percentile	878	840
Highest Trial	994	948

\* 0 to 20+ year-old horses

## Growth Rate

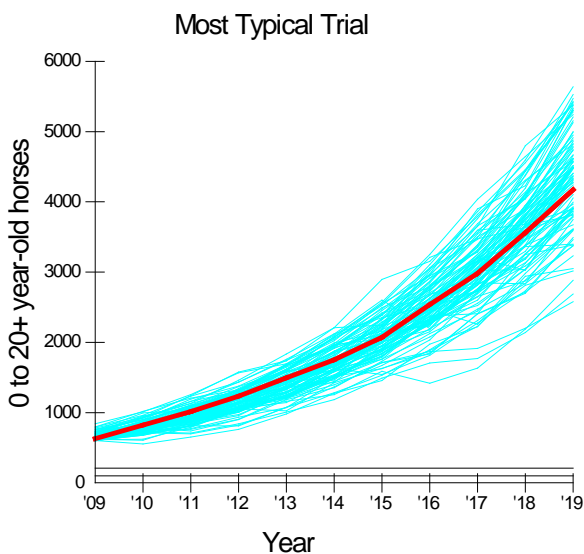


#### Average Growth Rate in 10 Years

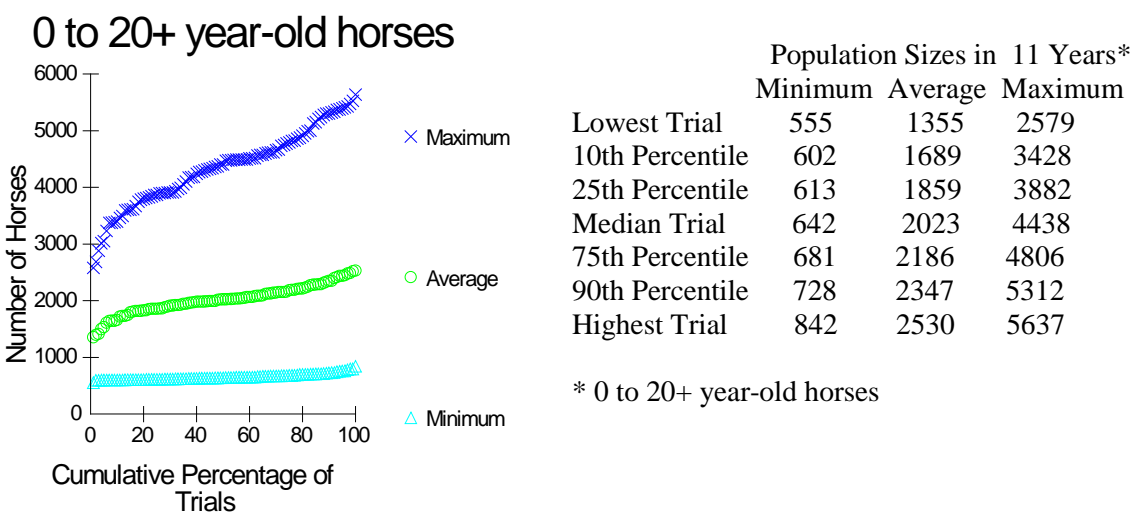
Lowest Trial	14.3
10th Percentile	17.1
25th Percentile	18.8
Median Trial	20.3
75th Percentile	21.9
90th Percentile	23.5
Highest Trial	25.5

## Results-No Action

### Population Size



### Population Size



### Explanation

In 11 yrs and 100 trials, the lowest number of 0 to 20+ yr old horses ever obtained was 555 and the highest was 5,637. In half the trials the minimum population size in 11 yrs was less than 642 and the maximum was less than 4,438. The average population size in 11 yrs ranged from 1,355 to 2,530.

